

1 AN ACT to amend the Illinois Vehicle Code by changing
2 Section 4-203.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Vehicle Code is amended by
6 changing Section 4-203 as follows:

7 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

8 Sec. 4-203. Removal of motor vehicles or other vehicles;
9 Towing or hauling away.

10 (a) When a vehicle is abandoned, or left unattended, on a
11 toll highway, interstate highway, or expressway for 2 hours
12 or more, its removal by a towing service may be authorized by
13 a law enforcement agency having jurisdiction.

14 (b) When a vehicle is abandoned on a highway in an urban
15 district 10 hours or more, its removal by a towing service
16 may be authorized by a law enforcement agency having
17 jurisdiction.

18 (c) When a vehicle is abandoned or left unattended on a
19 highway other than a toll highway, interstate highway, or
20 expressway, outside of an urban district for 24 hours or
21 more, its removal by a towing service may be authorized by a
22 law enforcement agency having jurisdiction.

23 (d) When an abandoned, unattended, wrecked, burned or
24 partially dismantled vehicle is creating a traffic hazard
25 because of its position in relation to the highway or its
26 physical appearance is causing the impeding of traffic, its
27 immediate removal from the highway or private property
28 adjacent to the highway by a towing service may be authorized
29 by a law enforcement agency having jurisdiction.

30 (e) Whenever a peace officer reasonably believes that a
31 person under arrest for a violation of Section 11-501 of this

1 Code or a similar provision of a local ordinance is likely,
2 upon release, to commit a subsequent violation of Section
3 11-501, or a similar provision of a local ordinance, the
4 arresting officer shall have the vehicle which the person was
5 operating at the time of the arrest impounded for a period of
6 not more than 12 hours after the time of arrest. However,
7 such vehicle may be released by the arresting law enforcement
8 agency prior to the end of the impoundment period if:

9 (1) the vehicle was not owned by the person under
10 arrest, and the lawful owner requesting such release
11 possesses a valid operator's license, proof of ownership,
12 and would not, as determined by the arresting law
13 enforcement agency, indicate a lack of ability to operate
14 a motor vehicle in a safe manner, or who would otherwise,
15 by operating such motor vehicle, be in violation of this
16 Code; or

17 (2) the vehicle is owned by the person under
18 arrest, and the person under arrest gives permission to
19 another person to operate such vehicle, provided however,
20 that the other person possesses a valid operator's
21 license and would not, as determined by the arresting law
22 enforcement agency, indicate a lack of ability to operate
23 a motor vehicle in a safe manner or who would otherwise,
24 by operating such motor vehicle, be in violation of this
25 Code.

26 (e-1) Whenever a peace officer reasonably believes that
27 a person who is less than 21 years of age and who drives or
28 is in actual physical control of a motor vehicle upon the
29 public highways of this State, as evidenced by the issuance
30 of a Uniform Traffic Ticket for any violation of the Illinois
31 Vehicle Code or a similar provision of a local ordinance, has
32 consumed any amount of an alcoholic beverage based upon
33 evidence of the driver's physical condition or other first
34 hand knowledge, the police officer shall impound the vehicle

1 which the person was operating for a period of not more than
2 12 hours after the time of the stop. However, such vehicle
3 may be released by the officer's law enforcement agency prior
4 to the end of the impoundment period if:

5 (1) the vehicle was not owned by the underage
6 driver, and the lawful owner requesting such release
7 possesses a valid operator's license, proof of ownership,
8 and would not, as determined by the arresting law
9 enforcement agency, indicate a lack of ability to operate
10 a motor vehicle in a safe manner, or who would otherwise,
11 by operating such motor vehicle, be in violation of this
12 Code; or

13 (2) the vehicle is owned by the underage driver,
14 and the driver gives permission to another person to
15 operate such vehicle, provided however, that the other
16 person possesses a valid operator's license and would
17 not, as determined by the arresting law enforcement
18 agency, indicate a lack of ability to operate a motor
19 vehicle in a safe manner or who would otherwise, by
20 operating such motor vehicle, be in violation of this
21 Code.

22 (e-5) Whenever a registered owner of a vehicle is taken
23 into custody for operating the vehicle in violation of
24 Section 11-501 of this Code or a similar provision of a local
25 ordinance or Section 6-303 of this Code, a law enforcement
26 officer may have the vehicle immediately impounded for a
27 period not less than:

28 (1) 24 hours for a second violation of Section
29 11-501 of this Code or a similar provision of a local
30 ordinance or Section 6-303 of this Code or a combination
31 of these offenses; or

32 (2) 48 hours for a third violation of Section
33 11-501 of this Code or a similar provision of a local
34 ordinance or Section 6-303 of this Code or a combination

1 of these offenses.

2 The vehicle may be released sooner if the vehicle is
3 owned by the person under arrest and the person under arrest
4 gives permission to another person to operate the vehicle and
5 that other person possesses a valid operator's license and
6 would not, as determined by the arresting law enforcement
7 agency, indicate a lack of ability to operate a motor vehicle
8 in a safe manner or would otherwise, by operating the motor
9 vehicle, be in violation of this Code.

10 (f) Except as provided in Chapter 18a of this Code, the
11 owner or lessor of privately owned real property within this
12 State, or any person authorized by such owner or lessor, or
13 any law enforcement agency in the case of publicly owned real
14 property may cause any motor vehicle abandoned or left
15 unattended upon such property without permission to be
16 removed by a towing service without liability for the costs
17 of removal, transportation or storage or damage caused by
18 such removal, transportation or storage. The towing or
19 removal of any vehicle from private property without the
20 consent of the registered owner or other legally authorized
21 person in control of the vehicle is subject to compliance
22 with the following conditions and restrictions:

23 1. Any towed or removed vehicle must be stored at
24 the site of the towing service's place of business. The
25 site must be open during business hours, and for the
26 purpose of redemption of vehicles, during the time that
27 the person or firm towing such vehicle is open for towing
28 purposes.

29 2. The towing service shall within 30 minutes of
30 completion of such towing or removal, notify the law
31 enforcement agency having jurisdiction of such towing or
32 removal, and the make, model, color and license plate
33 number of the vehicle, and shall obtain and record the
34 name of the person at the law enforcement agency to whom

1 such information was reported.

2 3. If the registered owner or legally authorized
3 person entitled to possession of the vehicle shall arrive
4 at the scene prior to actual removal or towing of the
5 vehicle, the vehicle shall be disconnected from the tow
6 truck and that person shall be allowed to remove the
7 vehicle without interference, upon the payment of a
8 reasonable service fee of not more than one half the
9 posted rate of the towing service as provided in
10 paragraph 6 of this subsection, for which a receipt shall
11 be given.

12 4. The rebate or payment of money or any other
13 valuable consideration from the towing service or its
14 owners, managers or employees to the owners or operators
15 of the premises from which the vehicles are towed or
16 removed, for the privilege of removing or towing those
17 vehicles, is prohibited. Any individual who violates
18 this paragraph shall be guilty of a Class A misdemeanor.

19 5. Except for property appurtenant to and obviously
20 a part of a single family residence, and except for
21 instances where notice is personally given to the owner
22 or other legally authorized person in control of the
23 vehicle that the area in which that vehicle is parked is
24 reserved or otherwise unavailable to unauthorized
25 vehicles and they are subject to being removed at the
26 owner or operator's expense, any property owner or
27 lessor, prior to towing or removing any vehicle from
28 private property without the consent of the owner or
29 other legally authorized person in control of that
30 vehicle, must post a notice meeting the following
31 requirements:

32 a. The notice must be prominently placed at
33 each driveway access or curb cut allowing vehicular
34 access to the property within 5 feet from the public

1 right-of-way line. If there are no curbs or access
2 barriers, the sign must be posted not less than one
3 sign each 100 feet of lot frontage.

4 b. The notice must indicate clearly, in not
5 less than 2 inch high light-reflective letters on a
6 contrasting background, that unauthorized vehicles
7 will be towed away at the owner's expense.

8 c. The notice must also provide the name and
9 current telephone number of the towing service
10 towing or removing the vehicle.

11 d. The sign structure containing the required
12 notices must be permanently installed with the
13 bottom of the sign not less than 4 feet above ground
14 level, and must be continuously maintained on the
15 property for not less than 24 hours prior to the
16 towing or removing of any vehicle.

17 6. Any towing service that tows or removes vehicles
18 and proposes to require the owner, operator, or person in
19 control of the vehicle to pay the costs of towing and
20 storage prior to redemption of the vehicle must file and
21 keep on record with the local law enforcement agency a
22 complete copy of the current rates to be charged for such
23 services, and post at the storage site an identical rate
24 schedule and any written contracts with property owners,
25 lessors, or persons in control of property which
26 authorize them to remove vehicles as provided in this
27 Section.

28 7. No person shall engage in the removal of
29 vehicles from private property as described in this
30 Section without filing a notice of intent in each
31 community where he intends to do such removal, and such
32 notice shall be filed at least 7 days before commencing
33 such towing.

34 8. No removal of a vehicle from private property

1 shall be done except upon express written instructions of
2 the owners or persons in charge of the private property
3 upon which the vehicle is said to be trespassing.

4 9. Vehicle entry for the purpose of removal shall
5 be allowed with reasonable care on the part of the person
6 or firm towing the vehicle. Such person or firm shall be
7 liable for any damages occasioned to the vehicle if such
8 entry is not in accordance with the standards of
9 reasonable care.

10 10. When a vehicle has been towed or removed
11 pursuant to this Section, it must be released to its
12 owner or custodian within one half hour after requested,
13 if such request is made during business hours. Any
14 vehicle owner or custodian or agent shall have the right
15 to inspect the vehicle before accepting its return, and
16 no release or waiver of any kind which would release the
17 towing service from liability for damages incurred during
18 the towing and storage may be required from any vehicle
19 owner or other legally authorized person as a condition
20 of release of the vehicle. A detailed, signed receipt
21 showing the legal name of the towing service must be
22 given to the person paying towing or storage charges at
23 the time of payment, whether requested or not.

24 This Section shall not apply to law enforcement,
25 firefighting, rescue, ambulance, or other emergency vehicles
26 which are marked as such or to property owned by any
27 governmental entity.

28 When an authorized person improperly causes a motor
29 vehicle to be removed, such person shall be liable to the
30 owner or lessee of the vehicle for the cost or removal,
31 transportation and storage, any damages resulting from the
32 removal, transportation and storage, attorney's fee and court
33 costs.

34 Any towing or storage charges accrued shall be payable by

1 the use of any major credit card, in addition to being
2 payable in cash.

3 11. Towing companies shall also provide insurance
4 coverage for areas where vehicles towed under the
5 provisions of this Chapter will be impounded or otherwise
6 stored, and shall adequately cover loss by fire, theft or
7 other risks.

8 Any person who fails to comply with the conditions and
9 restrictions of this subsection shall be guilty of a Class C
10 misdemeanor and shall be fined not less than \$100 nor more
11 than \$500.

12 (g) When a vehicle is determined to be a hazardous
13 dilapidated motor vehicle pursuant to Section 11-40-3.1 of
14 the Illinois Municipal Code, its removal and impoundment by a
15 towing service may be authorized by a law enforcement agency
16 with appropriate jurisdiction.

17 When a vehicle removal from either public or private
18 property is authorized by a law enforcement agency, the owner
19 of the vehicle shall be responsible for all towing and
20 storage charges.

21 Vehicles removed from public or private property and
22 stored by a commercial vehicle relocater or any other towing
23 service in compliance with this Section and Sections 4-201
24 and 4-202 of this Code, shall be subject to a possessor lien
25 for services pursuant to "An Act concerning liens for labor,
26 services, skill or materials furnished upon or storage
27 furnished for chattels", filed July 24, 1941, as amended, and
28 the provisions of Section 1 of that Act relating to notice
29 and implied consent shall be deemed satisfied by compliance
30 with Section 18a-302 and subsection (6) of Section 18a-300.
31 In no event shall such lien be greater than the rate or rates
32 established in accordance with subsection (6) of Section
33 18a-200 of this Code. In no event shall such lien be
34 increased or altered to reflect any charge for services or

1 materials rendered in addition to those authorized by this
2 Act. Every such lien shall be payable by use of any major
3 credit card, in addition to being payable in cash.

4 (Source: P.A. 90-738, eff. 1-1-99.)

5 Section 99. Effective date. This Act takes effect on
6 January 1, 2002.